

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

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|--|---|-----------------------|
| John Christopher Rambo, |) | |
| |) | C/A No. 4:11-1481-MBS |
| Plaintiff, |) | |
| |) | |
| vs. |) | |
| |) | ORDER |
| Lieutenant Tony Riley, individually and in |) | |
| his official capacity; Captain Cliff |) | |
| McElvogue, individually and in his |) | |
| official capacity, |) | |
| |) | |
| Defendants. |) | |
| _____ |) | |

At the time of the underlying events, Plaintiff John Christopher Rambo was detained at the Hill Finklea Detention Center in Moncks Corner, South Carolina. Plaintiff, proceeding pro se, filed the within complaint on June 20, 2011, alleging that he was denied medical care in violation of his constitutional rights. Plaintiff brings this action pursuant to 42 U.S.C. § 1983.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Thomas E. Rogers, III for pretrial handling. On December 5, 2011, Defendants filed a motion to dismiss for lack of prosecution, alleging that Plaintiff had failed to respond to discovery requests. Also on December 5, 2011, in accordance with Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975), Plaintiff was advised of the dismissal procedures and the possible consequences of failing to respond adequately. Plaintiff filed no response to the motion to dismiss. On January 19, 2012, the Magistrate Judge issued a Report and Recommendation in which he recommended that the within complaint be dismissed for failure to prosecute. Plaintiff filed no objections to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has

no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of any portions of the Report and Recommendation to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

The court has carefully reviewed the record and concurs in the recommendation of the Magistrate Judge. The court adopts the Report and Recommendation and incorporates it herein by reference. The within action is dismissed *with prejudice* pursuant to Rule 41(b) for failure to prosecute.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

Columbia, South Carolina

February 15, 2012

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.